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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,505	03/31/2001	Calvin Selig	10012354-1	6534

7590

07/28/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TUNG, KEE M

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,505

Applicant(s)

SELIG ET AL

Examiner

Kee M Tung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-26 and 33-43 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11, 27-29 and 32 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 5/21/04, PROSECUTION IS HEREBY REOPENED. A rejection under 35 USC 103 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. It is noted that in the Appeal Brief, the paragraph bridge between pages 4 and 5, applicant discussed a fast clear technique by referred to figure 8. However, there is no figure 8 in the present application. The portion referred by applicant is from the related copending applications 09/823,483 and 09/823,660.

Claim Rejections - 35 USC § 112

3. Claims 2, 14, 20 and 35 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the

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claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claimed "the clear count value is read from the pixel location in the buffer" is not further limited from "reading a clear count value associated with pixel location in the buffer" in the based claim.

4. Claim 7 recites the limitation "the color value" in line 2. There is insufficient antecedent basis for this limitation in the claim. Changing the claim dependency from 6 to 3 would overcome the rejection.

5. Claims 9, 19 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 9, "a stored value" is not clear what value is being referred to, the clear count value or a new value that could be any number. Similar corrections are required for all other claims that recited a/the "stored value".

As per claims 19 and 40, "may be" is indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-7, 10, 11, 27-29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (5,805,868).

Murphy teaches a method (abstract, and related areas of the specification, such as, col. 3, line 47 to col. 5, line 17, col. 25, lines 8-61 and col. 55, line 1 to col. 57, line 50) of eliminating stale information from a computer graphics buffer (local buffer) comprising reading (col. 4, lines 63-67) a clear count value associated with a pixel location in the buffer; comparing (Fig. 5A, graphics ID unit and col. 56, lines 18-29 and col. 4, lines 63-67) the clear count value with a current clear count; and if the clear count value does not equal the current clear count, writing a predetermined value (local data hold in a register, col. 4, line 66 to col. 5, line 7 and particular in lines 1-2) to the pixel location in the buffer. Therefore, at least claims 1-5, 10 and 11 are anticipated by Murphy.

As per claim 6, Murphy teaches performed for each of the pixels defining a region of interest in the buffer (col. 4, lines 55-61).

As per claim 7, Murphy teaches the color value is the same for all of the pixels defining the region of interest (col. 25, lines 8-60 and col. 55, lines 1-27).

Claims 27-29 and 32 are similar in scope to claims 1-7, 10 and 11, and thus are rejected under similar rationale.

Allowable Subject Matter

8. Claims 12-26 and 33-43 are allowed.

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9. Claims 8, 9, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. It is noted that corrections are required to some of the claims indicated above before they can be allowed.

11.

Response to Arguments

12. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

The rejection has been modified in order to fully consider applicant's arguments. Specifically, applicant's "predetermined value" in the claims read by "the local data" of Murphy as detailed in the rejection above.

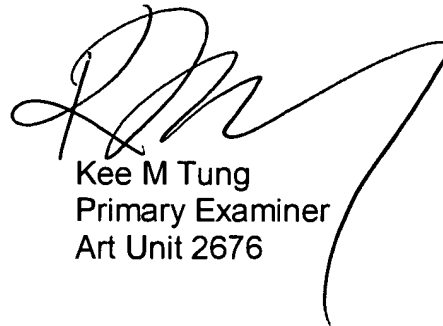
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kee M Tung whose telephone number is 703-305-9660. The examiner can normally be reached on Tuesday - Friday from 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kee M Tung
Primary Examiner
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